



**COALITION FOR INTERIOR DESIGN  
REGISTRATION**

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CIDR - MI.ORG

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October 10, 2013

**The Coalition for Interior Design Registration** is an organization of interior designers and allied professionals dedicated to enacting legislation to protect the life-safety of the public and promote free and fair competitive access to the marketplace.

CIDR technically is not in support or opposition of neither SB479 nor its sister bill, HB4378, but rather it is providing informational testimony at this hearing. This is because SB479 has minimal impact on interior designers or the interior design market in this state. SB479 basically repeals PA250 and its provisions as they pertain to the scope of service Michigan interior designers can legally provide. PA250 does not give valid state recognition to interior designers through licensure or registration – it only “credentialized” qualified individuals. This law was signed by Governor Engler in 1998.

PA250 was a meaningful law until 2001 when it was significantly compromised by Michigan’s version of the International Building Code which reverted back to the definition of a **“registered design professional”** as one who is licensed or registered. Interior designers are neither registered nor licensed in the state of Michigan.

The period prior to IBC and under PA250 was the last time Michigan had a truly thriving building design market.

Regardless of how PA250 has been compromised, it still gives qualified interior designers some legal designation. The definition of services interior designers may perform is cited in PA319 of 2008 which ultimately makes it a felony for practicing architecture without a license. Since interior designers have no legal scope of service, some of the service they supply could be interpreted as practicing architecture. PA319 provides an exemption for interior designers and uses the definition from PA250. By eliminating the definition of interior design from the Occupation Code, would interior designers be at risk for legal prosecution? What about the schools that offer interior design programs?

CIDR has maintained a keen interest in regulatory framework and has advocated for many years for modifications to the existing statutory definition of interior design services would bring much needed clarification for the consumer, the interior design profession and the building code officials.

CIDR is still supportive of the establishment of a substantive, nonrestrictive law in Michigan - one that will increase market competition and revenue for Michigan, boost jobs and small business growth, reduce consumer costs and promote consumer protection. CIDR looks forward to the opportunity to discuss these merits in greater depth in another venue.

Linda Thomas, NCIDQ, ASID, IIDA  
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**Mission Statement**

The Coalition for Interior Design Registration is an organization dedicated to defend and to protect the right to practice the profession of interior design in Michigan.

# Charles J. Bommarito

I N T E R I O R   C O N S U L T A N T   -   P L A N N E R   -   D E S I G N E R

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My name is Charles Bommarito. I am an independent interior designer. I have been practicing interior design in Michigan for over 30 years. I also sit on the CIDR Board holding a Vice President position.

I am here today in hopes that you will consider my comments on House Bill 4378 as you move forward with this bill.

I think the current language that is in existence now is important and needs to be retained as it serves to clarify, define and preserve, as was its' original intent, the profession of Interior Design here in Michigan. The current language I am referring to is the language in the Bill on page 11 – lines 17 through 22 - that is being struck out.

Briefly, under Gov. Engler, in order to clarify, eliminate confusion and to protect the profession of Interior Design, the current language was the resulting solution of a very long negotiating process that, in the end, all parties agreed to and a law, PA250, was passed with its purpose being to protect the Interior Design profession. That law recognized the profession of interior design, provided a description of services, a scope of practice, and allowed for qualified interior designers to have their names included on a State List of Qualified Interior Designers.

At that time, that 'State List' was considered the Interior Designers' 'license' or 'registration'.

Adopting the current code book language that defines design professionals as those individuals who are either 'licensed' or 'registered' allows for only Architects and Engineers to fit that definition as Interior Designers in Michigan are neither. In this state we are only 'listed'.

This situation, and this bill, will put into jeopardy the recognition of the qualified designer 'State List' and, along with the removal of the language that refers to, and supports, the 'State List' simply further compromises the recognition and validity it furnished to all of the states' qualified Interior Designers.

What Decorators are to decoration, and Architects are to architecture, Interior Designers are to interiors. Architects build buildings, Decorators add decorations, Interior Designers develop and execute plans that allow for interior spaces to function properly, be safe, adhere to codes and operate according to the occupants desired usage.

The current language I believe needs to continue into this new bill or I believe you will have successfully put a nail into the coffin of the profession of Interior Design in this state.

In closing let me add I have noticed that many of my friends and colleagues are all ready coming to some conclusions. Based upon what they have read, heard, or seen on the TV or the internet, many have come to believe that the Governors' position on deregulating businesses will negatively impact them further. Also too, many have started, or are currently starting, to alter their business plans accordingly. I think this is a current situation that the committee should also consider as you move forward.

Let me state that I was born in Michigan and have lived here all my life. I received my education from Michigan schools. I've practiced here all of my business years. I married a Michigander and we have raised our children here. I am not planning on leaving this state. I would much like my friends and colleagues to continue on here and stay. But, I'm a realist. I know I don't have to tell you that these are trying times especially for the small business owner and reality being what it is. Everyone bases their future decisions on what's in front of them not what's behind them.

I hope the committee will take my comments into consideration when moving forward with this or any legislation.

Thank you for allowing me to speak today.

Act No. 250  
Public Acts of 1998  
Approved by the Governor  
July 10, 1998  
Filed with the Secretary of State  
July 10, 1998  
EFFECTIVE DATE: October 1, 1998

**STATE OF MICHIGAN  
89TH LEGISLATURE  
REGULAR SESSION OF 1998**

Introduced by Rep. Griffin

**ENROLLED HOUSE BILL No. 4535**

AN ACT to amend 1980 PA 299, entitled "An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 601 (MCL 339.601), as amended by 1994 PA 400; and by adding section 601a.

*The People of the State of Michigan enact:*

Sec. 601. (1) A person shall not engage in or attempt to engage in the practice of an occupation regulated under this act or use a title designated in this act unless the person possesses a license or registration issued by the department for the occupation.

(2) A school, institution, or person shall not operate or attempt to operate a barber college, school of cosmetology, or real estate school unless the school, institution, or person is licensed or approved by the department.

(3) A person, school, or institution which violates subsection (1) or (2) is guilty of a misdemeanor, punishable by a fine of not more than \$500.00, or imprisonment for not more than 90 days, or both.

(4) A person, school, or institution which violates subsection (1) or (2) a second or any subsequent time is guilty of a misdemeanor, punishable, except as provided in section 735, by a fine of not more than \$1,000.00, or imprisonment for not more than 1 year, or both.

(5) Notwithstanding the existence and pursuit of any other remedy, an affected person may maintain injunctive action to restrain or prevent a person from violating subsection (1) or (2). If successful in obtaining injunctive relief, the affected person shall be entitled to actual costs and attorney fees.

(6) Nothing in this act shall apply to a person engaging in or practicing the following:

(a) Interior design.

(b) Building design.

(c) Any activity for which the person is licensed under 1929 PA 266, MCL 338.901 to 338.917.

(d) Any activity for which the person is licensed under the Forbes mechanical contractors act, 1984 PA 192, MCL 338.971 to 338.988.

(e) Any activity for which the person is licensed under the electrical administrative act, 1956 PA 217, MCL 338.881 to 338.892.

(7) As used in subsection (5), "affected person" means a person directly affected by the actions of a person suspected of violating subsection (1) or (2) and includes, but is not limited to, a board established pursuant to this act, a person who has utilized the services of the person engaging in or attempting to engage in an occupation regulated under this act or using a title designated by this act without being licensed or registered by the department, or a private association composed primarily of members of the occupation in which the person is engaging in or attempting to engage in or in which the person is using a title designated under this act without being registered or licensed by the department.

(8) An investigation may be conducted under article 6 to enforce this section. A person who violates this section shall be subject to the strictures prescribed in this section and section 506.

(9) The remedies under this section are independent and cumulative. The use of 1 remedy by a person shall not bar the use of other lawful remedies by that person or the use of a lawful remedy by another person.

(10) An interior designer may perform services in connection with the design of interior spaces including preparation of documents relative to finishes, systems furniture, furnishings, fixtures, equipment, and interior partitions that do not affect the building mechanical, structural, electrical, or fire safety systems.

Sec. 601a. (1) There is created in the department an advisory subcommittee on interior design to consist of not more than 5 individuals selected by the department. Of the 5 individuals, 2 shall be licensed architects and the remaining members shall be interior designers chosen from a list of interior designers submitted to the department by nationally recognized associations of interior designers. The department shall assure that the advisory subcommittee on interior design is fully functional not later than 6 months after the effective date of the amendatory act that added this section and shall cease to exist after it has reviewed the last application made under subsection (4)(c). The purpose of the advisory subcommittee on interior design is to verify, by majority vote of its members, the qualifications of interior designers who have not passed an examination as further described in subsection (4)(c) but who seek qualification for the performance of services described in section 601(10) on the basis of education and experience and to recommend the qualifications of those interior designers to perform the services described in section 601(10). The advisory subcommittee on interior design shall also compile a list of all individuals considered qualified to perform the services described in section 601(10). The advisory subcommittee on interior design shall give the list to the board of architects for review and consideration of those persons determined to have met the standards described in subsection (4). The approval of individuals considered qualified shall occur not less than 90 days after the list is submitted to the board of architects. A person whose qualifications are not approved by the board of architects may appeal that determination to the director or his or her designee. The department shall make the list of persons determined to have met the standards described in subsection (4) electronically available to the state or any local unit of government capable of issuing permits under the state construction code act of 1972, 1972 PA 230, MCL 125.1501 to 125.1531.

(2) The director may promulgate rules to administer this section. The rules may include, but are not limited to, reasonable fees charged to individuals seeking qualification for performing services under section 601(10) and procedures for adding and removing individuals from the list of qualified interior designers.

(3) An interior designer shall have a rectangular nonembossed stamp with the interior designer's name, business address, title "interior designer", and certificate number issued by the national council for interior design qualification, if applicable. Use of the stamp shall be accompanied by the original signature of the interior designer.

(4) As used in this section and section 601, "interior designer" means an individual engaged in the activities described in section 601(10) who meets 1 or more of the following:

(a) Beginning on the effective date of the amendatory act that added this subsection, has proof of passing the complete 1997 examination or other examination adopted by reference by the department and offered by the national council for interior design qualification. For purposes of this subsection, that examination and the qualifications to sit for that examination are adopted by reference and any subsequent update or revision of that examination or the qualifications to sit for that examination may, by rule promulgated by the director, be adopted by reference by the department.

(b) Was engaged, before the effective date of the amendatory act that added this subsection, in the activities described in section 601(10) and has proof of passing any complete examination offered by the national council for interior design qualification. Passage of any past examination offered by the national council for interior design qualification is adequate to qualify an interior designer for the exemption described in section 601(10).

(c) Until the expiration of 1 year after the date of the establishment of the advisory subcommittee on interior design, demonstrates to the advisory subcommittee on interior design that he or she was engaged in the activities described in section 601(10) and meets the qualifications of education and experience that would confer eligibility for sitting for the 1997 or other examination offered by the national council for interior design qualification.

Enacting section 1. This amendatory act takes effect October 1, 1998.

Act No. 319  
Public Acts of 2008  
Approved by the Governor  
December 17, 2008  
Filed with the Secretary of State  
December 18, 2008  
EFFECTIVE DATE: March 31, 2009

**STATE OF MICHIGAN  
94TH LEGISLATURE  
REGULAR SESSION OF 2008**

Introduced by Senator Sanborn

# **ENROLLED SENATE BILL No. 1515**

AN ACT to amend 1980 PA 299, entitled "An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 601 (MCL 339.601), as amended by 2007 PA 157, and by adding section 2006.

*The People of the State of Michigan enact:*

Sec. 601. (1) A person shall not engage in or attempt to engage in the practice of an occupation regulated under this act or use a title designated in this act unless the person possesses a license or registration issued by the department for the occupation.

(2) A school, institution, or person shall not operate or attempt to operate a barber college, school of cosmetology, or real estate school unless the school, institution, or person is licensed or approved by the department.

(3) Subject to section 411, a person whose license or registration is suspended, revoked, or lapsed, as determined by the records of the department, is considered unlicensed or unregistered.

(4) Except as otherwise provided for in section 735, a person, school, or institution that violates subsection (1) or (2) is guilty of a misdemeanor, punishable by a fine of not more than \$500.00, or imprisonment for not more than 90 days, or both.

(5) Except as otherwise provided for in section 735, a person, school, or institution that violates subsection (1) or (2) a second or any subsequent time is guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00, or imprisonment for not more than 1 year, or both.

(6) Notwithstanding subsections (4) and (5), a person not licensed under article 24 as a residential builder or a residential maintenance and alteration contractor who violates subsection (1) or (2) is guilty as follows:

(a) In the case of a first offense, a misdemeanor punishable by a fine of not less than \$5,000.00 or more than \$25,000.00, or imprisonment for not more than 1 year, or both.



(b) In the case of a second or subsequent offense, a misdemeanor punishable by a fine of not less than \$5,000.00 or more than \$25,000.00, or imprisonment for not more than 2 years, or both.

(c) In the case of an offense that causes death or serious injury, a felony punishable by a fine of not less than \$5,000.00 or more than \$25,000.00, or imprisonment for not more than 4 years, or both.

(7) Notwithstanding subsections (4) and (5), a person not licensed under article 20 as an architect, professional engineer, or professional land surveyor who violates subsection (1) or (2) is guilty as follows:

(a) In the case of a first offense, a misdemeanor punishable by a fine of not less than \$5,000.00 or more than \$25,000.00 or imprisonment for not more than 93 days, or both.

(b) In the case of a second or subsequent offense, a misdemeanor punishable by a fine of not less than \$5,000.00 or more than \$25,000.00 or imprisonment for not more than 1 year, or both.

(c) In the case of an offense that causes death or serious injury, a felony punishable by a fine of not less than \$5,000.00 or more than \$25,000.00 or imprisonment for not more than 4 years, or both.

(8) Any violation of this act shall include a requirement that restitution be made, based upon proofs submitted to and findings made by the trier of fact as provided by law.

(9) Notwithstanding the existence and pursuit of any other remedy, an affected person may maintain injunctive action to restrain or prevent a person from violating subsection (1) or (2). If successful in obtaining injunctive relief, the affected person shall be entitled to actual costs and attorney fees.

(10) This act does not apply to a person engaging in or practicing the following:

(a) Interior design.

(b) Residential building design. As used in this subdivision, "residential building design" means the rendering of residential design services for a detached 1- and 2-family residence building by a person exempted from the requirements of section 2012.

(c) Any activity for which the person is licensed under the state plumbing act, 2002 PA 733, MCL 338.3511 to 338.3569.

(d) Any activity for which the person is licensed under the Forbes mechanical contractors act, 1984 PA 192, MCL 338.971 to 338.988.

(e) Any activity for which the person is licensed under the electrical administrative act, 1956 PA 217, MCL 338.881 to 338.892.

(11) As used in subsection (9), "affected person" means a person directly affected by the actions of a person suspected of violating subsection (1) or (2) and includes, but is not limited to, a licensee or registrant, a board established pursuant to this act, the department, a person who has utilized the services of the person engaging in or attempting to engage in an occupation regulated under this act or using a title designated by this act without being licensed or registered by the department, or a private association composed primarily of members of the occupation in which the person is engaging in or attempting to engage in or in which the person is using a title designated under this act without being registered or licensed by the department.

(12) An investigation may be conducted under article 5 to enforce this section. A person who violates this section shall be subject to this section and sections 506, 602, and 606.

(13) The department, the attorney general, or a county prosecutor may utilize forfeiture as a remedy in the manner provided for in section 606.

(14) The remedies under this section are independent and cumulative. The use of 1 remedy by a person shall not bar the use of other lawful remedies by that person or the use of a lawful remedy by another person.

(15) An interior designer may perform services in connection with the design of interior spaces including preparation of documents relative to finishes, systems furniture, furnishings, fixtures, equipment, and interior partitions that do not affect the building mechanical, structural, electrical, or fire safety systems.

(16) Upon entering a conviction under subsection (4), (5), or (6), a court entering the conviction shall notify, by mail, facsimile transmission, or electronic mail, the bureau of commercial services at the department.

Sec. 2006. (1) A person, a qualifying officer, a licensee, or an agent for a licensee under this article shall not bring or maintain an action in a court of this state for the collection of compensation for the performance of an act or contract for which licensure is required under this article without alleging and proving that the person, qualifying officer, licensee, or agent was licensed under this article during the performance of the act or contract. A person who has utilized the services of a person engaging in or attempting to engage in an occupation regulated under this article or using a title designated by this article without being licensed by the department may bring an action in a court of competent jurisdiction, or offer as a counterclaim to an action brought by an unlicensed person, for a refund of compensation after deducting the value of the goods or services retained by the person.